

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RICHARD R. GALAVOTTI,

Plaintiff,

vs.

**6:18-CV-1028
(MAD/ATB)**

**BOSCOV'S, INC.; BOSCOV'S DEPARTMENT
STORE, LLC; JOSEPH G. SERRA; JOHN R.
BRENNAN; JAMES FIASCHETTI; CASSIE
WOLPE; and MARY ADAMCZYK,**

Defendants.

APPEARANCES:

OFFICE OF FRANK L. MADIA

307 Second Avenue
Frankfort, New York 13340
Attorneys for Plaintiff

**NAPIERSKI, VANDENBURGH, NAPIERSKI &
O'CONNOR, LLP**

296 Washington Avenue Extension
Albany, New York 12203
Attorneys for Defendants

OF COUNSEL:

FRANK L. MADIA, ESQ.

**DAVID C. WHITE, ESQ.
SHAWN F. BROUSSEAU, ESQ.**

Mae A. D'Agostino, U.S. District Judge:

ORDER

On August 7, 2018, Plaintiff commenced this action in Oneida County Supreme Court against Defendants Boscov's Inc., Boscov's Department Store, LLC, and Boscov's Department Stores. *See* Dkt. No. 1. On August 28, 2018, Defendants removed the action to this Court pursuant to 28 U.S.C. § 1441(b)-(c). *See id.* On December 26, 2018, Plaintiff filed an amended complaint joining several individuals as named Defendants. *See* Dkt. No. 21. On January 2, 2019, Plaintiff filed a pre-motion letter informing the Court of its intention to file a motion to

remand, claiming that the newly named individual Defendants destroyed complete diversity. *See* Dkt. No. 23 at 1. Initially, Defendants objected to remand, claiming that the individual Defendants were improperly joined. *See* Dkt. No. 24. During a pre-motion conference with the Court and counsel for the parties, the Court directed the parties to confer regarding possible remand and that, if the parties are unable to reach an agreement regarding remand, Plaintiff would file his motion to remand on or before February 12, 2019. On January 25, 2019, Defendants submitted a status report indicating that they would consent to remand. *See* Dkt. No. 27.

Upon Defendants' consent to remand, the Court hereby

ORDERS that this matter is **REMANDED** to the New York State Supreme Court, Oneida County; and the Court further

ORDERS that the Clerk of the Court shall close this case upon transfer to the New York State Supreme Court, Oneida County; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: January 29, 2019
Albany, New York


Mae A. D'Agostino
U.S. District Judge